

## Chapter SPS 314

### FIRE PREVENTION

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**Note:** Chapter Ind 65 as it existed on April 30, 1989 was repealed and a new chapter ILHR 14 was created effective May 1, 1989; Chapter ILHR 14 as it existed on March 31, 1992 was repealed and a new chapter ILHR 14 was created effective April 1, 1992. Chapter ILHR 14 was renumbered to chapter Comm 14 under s. 13.93 (2m) (b) 1., Stats., and corrections made under s. 13.93 (2m) (b) 6. and 7., Stats., Register, December, 1996, No. 492. Chapter Comm 14 as it existed on June 30, 2002 was repealed and a new Chapter Comm 14 was created effective July 1, 2002. Chapter Comm 14 as it existed on February 29, 2008 was repealed and a new chapter Comm 14 was created effective March 1, 2008. Chapter Comm 14 was renumbered chapter SPS 314 under s. 13.92 (4) (b) 1., Stats., Register December 2011 No. 672.

#### Subchapter I — Adoption and Application of NFPA® 1, Fire Code

**SPS 314.001 Adoption and application. (1) NFPA 1.**  
(a) *Adoption of model fire code.* NFPA 1, *Fire Code*™ — 2009, subject to the modifications specified in this chapter, is hereby incorporated by reference into this chapter.

**Note:** A copy of NFPA 1, *Fire Code*, is on file in the offices of the Department and the Legislative Reference Bureau. Copies of NFPA 1, *Fire Code*, may be purchased from the National Fire Protection Association at 1 Batterymarch Park, Box 9101, Quincy, MA, 02269-9101; and may be purchased or accessed free of charge at [www.nfpa.org](http://www.nfpa.org).

(b) *Application of model fire code.* The use, operation and maintenance of public buildings and places of employment shall comply with NFPA 1 as referenced in par. (a), except as otherwise provided in this chapter.

**(2) ALTERNATE MODEL FIRE CODE.** Where a municipality has by ordinance adopted requirements of the *International Fire Code*® — 2009 and any additional requirements, that, in total, are equivalent to NFPA 1 as referenced in sub. (1), the department will not consider that ordinance to be in conflict with sub. (1); and property owners or managers, or employers, need only comply with that ordinance.

**History:** CR 06-120: cr. Register February 2008 No. 626, eff. 3-1-08; CR 09-104: am. (1) (a), (b), renum. (2) (a) to be (2) and am., r. (2) (b) Register December 2010 No. 660, eff. 1-1-11; correction in (1) (title) made under s. 13.92 (4) (b) 2., Stats., Register December 2010 No. 660.

#### Subchapter II — Modifications of NFPA 1, Fire Code

**Note:** The sections in this subchapter are generally numbered to correspond to the chapter and section numbering of NFPA 1, *Fire Code*; for example, section SPS 314.01 contains modifications of NFPA 1, chapter 1.

**SPS 314.01 Administration. (1) SCOPE.** These are department rules in addition to the requirements in NFPA 1 section 1.1:

(a) 1. This chapter applies to all public buildings and places of employment that exist on or after January 1, 2011, except as provided in pars. (b) to (d).

2. This chapter applies to the inspection, testing, and maintenance of all fire safety features as specified in this chapter, for all public buildings and places of employment that exist on or after January 1, 2011, except as provided in pars. (b) to (d).

**Note:** As established in section SPS 314.01 (2) (a) 1., this chapter does not prescribe how to design public buildings. However, this chapter includes requirements that may apply during the construction of a public building, such as the safeguards in NFPA 1 chapter 16 for fire safety during construction. See chapters SPS 361 to 366 for design requirements for public buildings and places of employment.

(b) This chapter does not apply to buildings or situations listed under the exclusions in s. 101.01 (11) and (12), Stats., or under the exemptions in s. 101.05, Stats.

**Note:** See Appendix for a reprint of the above-referenced sections of the Statutes.

(c) 1. This chapter does not apply to any of the buildings, structures, or situations specified in subds. 3. to 5.

2. All of the buildings, structures, or situations in subds. 3. to 9. are neither public buildings nor places of employment under this chapter.

3. a. Buildings or structures located on Indian reservation land that are held either in trust by the United States, or in fee by the tribe or a tribal member.

b. Buildings or structures which are located on off-reservation Indian land that is held in trust by the United States — and which are held either in trust by the United States, or in fee by the tribe or a tribal member.

4. Buildings and portions of buildings that are exempted by federal statutes or treaties.

5. Portions of buildings leased to the federal government provided all of the following conditions are met:

a. A statement is recorded with the register of deeds that describes the steps necessary for compliance to this chapter if the space is converted to a nonexempt use.

b. The statement recorded with the register of deeds is recorded in a manner that will permit the existence of the statement to be determined by reference to the property where the building is located.

c. The owner of the building submits a copy of the recorded document to the department or its authorized representative.

6. Buildings and structures that are on a farm premises and used exclusively for farming purposes, provided any use of the building or structure by the public consists only of consumers directly receiving farm commodities, substantially all of which have been planted or produced on the farm premises. In this application, “substantially all” means at least 90 percent of the commodities were planted or produced on the farm premises.

**Note:** As referenced in par. (b) and Note, see Appendix for a reprint of the exclusions referenced in section 101.01 (11) and (12) of the Statutes, which includes definitions of “farming” and “farm premises.”

7. A one- or 2-family dwelling used as a foster home, treatment foster home, or group home, or as a residential care center for children and youth that has a capacity for 8 or fewer children, all as defined in s. 48.02, Stats.

**Note:** The definitions in section 48.02 of the Statutes limit foster homes to no more than 4 children unless the children are siblings, limit treatment foster homes to no more than 4 children, and limit group homes to no more than 8 children. Where permitted by the Department of Children and Families, a group home or a residential care center for children and youth that has a capacity for 8 or fewer children may be located in a one- or 2-family dwelling as a community living arrangement, as defined in section 46.03 (22) of the Statutes.

8. A one- or 2-family dwelling in which a public or private day care center for 8 or fewer children is located.

**Note:** Chapter DCF 250, as administered by the Department of Children and Families, defines a “family child care center” as a being “a facility where a person provides care and supervision for less than 24 hours a day for at least 4 and not more than

8 children who are not related to the provider.” Chapter DCF 250 applies various licensing and other requirements to these centers, including for fire protection and other aspects of the physical plant.

9. That portion of or space within a one- or 2-family dwelling in which a home occupation is located.

(d) In this section, “home occupation” means any business, profession, trade or employment conducted in a person’s dwelling unit, that may involve the person’s immediate family or household and a maximum of one other unrelated person, but does not involve any of the following:

1. Explosives, fireworks or repair of motor vehicles.
2. More than 25% of the habitable floor area of the dwelling unit.

(e) 1. The requirements in sub. (11) apply to all fire responses, rather than only to fire responses for public buildings and places of employment.

2. The requirements in sub. (13) (d) 2. apply to fire responses to first alarms for all buildings, rather than only for public buildings.

(f) Except for facilities that are exempted from this chapter under par. (c) 3. to 5. — and regardless of pars. (b), (c) 6. to 9. and (d) — this chapter applies to all facilities and structures which exist on or after January 1, 2011, and which involve flammable-, combustible- or hazardous-liquid storage, transfer, or dispensing.

**Note:** Chapter SPS 305 regulates persons or businesses that are required or permitted to obtain licenses, certifications, or registrations under chapters 101, 145, 167, or 168 of the statutes. Section SPS 305.68 states:

“No person may inspect a tank system which has held or will hold flammable, combustible or hazardous liquids to determine compliance with chapter ATPC 93 unless the person holds a certification issued by the Department as a certified tank system inspector.”

Chapters ATPC 93 and SPS 305 do not preclude a fire inspector from conducting fire safety inspections involving flammable, combustible, or hazardous liquids under chapter ATPC 93; or from enforcing fire safety requirements under chapter SPS 314 or sections 101.14 (1) (a) or (b) or (2) of the statutes.

**Note:** In conjunction with addressing the quality and retail sales of petroleum products, chapter ATPC 94 also regulates containers which have a capacity of under 275 gallons and which are used for storing gasoline or any other petroleum product that has a flash point of less than 100°F. Chapter ATPC 94 requires these containers to be colored red and appropriately labeled, and prohibits using red containers for storing petroleum products that have a flash point of 100°F or more.

**Note:** See the annotations under section 101.11 of the Statutes for further guidance in determining which facilities are or are not places of employment.

(g) 1. Except for facilities that are exempted from this chapter under par. (c) 3. to 5. — and regardless of pars. (b), (c) 6. to 9. and (d) — the department or its deputies may apply this chapter to any building or other structure or premises or public thoroughfare, which exists on or after January 1, 2011, and which has either of the following characteristics:

- a. It is especially liable to fire and is so situated as to endanger other buildings or property.
- b. It contains combustible or explosive material or inflammable conditions that are dangerous to the safety of any building or premises or the occupants thereof, or endangering or hindering fire fighters in case of fire.

2. The purpose of applying this chapter under this paragraph is to cause correction of any of the following:

- a. A condition liable to cause damaging fire.
- b. A violation of any law or order relating to fire hazards or to the prevention of fire.

**Note:** See section 101.14 (1) (a) to (bm) of the Statutes for the authorization to apply this chapter in this manner, and for limitations on entry into the interior of private dwellings.

**Note:** Under section 101.14 (2) (a) of the Statutes, and as referenced in section SPS 314.01 (13) (a), “The chief of the fire department in every city, village, or town, except cities of the 1st class, is constituted a deputy of the department.”

**Note:** See section 66.0413 of the Statutes for (1) the authority of municipalities to order removal or repair of buildings that are dangerous, unsafe, unsanitary, or otherwise unfit for human habitation; and (2) extensive criteria relating to executing this authority, such as for dilapidated buildings.

**Note:** See chapter SPS 310 for orders of the Department relating to flammable or combustible liquids, and see chapter SPS 340 for orders of the Department relating to fuel gas systems.

(2) APPLICATION. (a) *General.* Substitute the following wording for the requirements in NFPA 1 sections 1.3.2.4. to 1.3.2.4.3:

1. The design requirements in NFPA 1 and in any standard or code adopted therein that apply to public buildings or places of employment are not included as part of this chapter, except as specified in subds. 3. a. and 4.

**Note:** Because of this subdivision, this chapter does not prescribe how to design public buildings. However, this chapter includes requirements that may apply during the construction of a public building, such as the safeguards in NFPA 1 chapter 16 for fire safety during construction. See chapters SPS 361 to 366 for design requirements for public buildings and places of employment.

2. The codes and standards that are referenced in this chapter, and any additional codes and standards which are subsequently referenced in those codes and standards, shall apply to the prescribed extent of each such reference, except as modified by this chapter.

3. a. The design requirements in NFPA 1 chapter 18 for fire department access and water supply are included as part of this chapter.

b. The requirements in NFPA 1 sections 18.2.3 and 18.3 do not apply to buildings constructed prior to January 1, 2011.

4. The design requirements in NFPA 1 sections 50.2.1.1 and 50.4 for an exhaust hood and an automatic fire suppression system are included as part of this chapter, for mobile kitchens only.

(b) *Conflicts.* Substitute the following wording for the requirements in NFPA 1 section 1.3.3:

1. Where any rule written by the department differs from a requirement within a document referenced in this chapter, the rule written by the department shall govern.

2. Where rules of the department specify conflicting requirements, types of materials, methods, processes or procedures, the most restrictive rule shall govern, except as provided in subds. 1., 3. and 4.

**Note:** If the most restrictive of two or more conflicting requirements is not readily apparent, a determination of which is more restrictive can be obtained from the Department.

3. Where a rule prescribes a general requirement and another rule prescribes a specific or more detailed requirement regarding the same subject, the specific or more detailed requirement shall govern, except as provided in subds. 1. and 4.

4. Where differences occur between the requirements of this chapter and ch. ATPC 93, the requirements of ch. ATPC 93 shall govern.

**Note:** See Appendix for a list of tanks, containers, tank systems, and facilities that are not regulated by chapter ATPC 93.

(3) ALTERNATIVES. Substitute the following wording for the requirements in NFPA 1 section 1.4.1: Nothing in this chapter is intended to prohibit or discourage the design and use of new materials or components, or new processes, elements or systems, provided written approval from the department or AHJ is obtained first.

(4) PETITION FOR VARIANCE. Substitute the following wording for the requirements in NFPA 1 sections 1.4.2 to 1.4.6: The department shall consider and may grant a variance to a provision of this chapter in accordance with ch. SPS 303. The petition for variance shall include, where applicable, a position statement from the fire department having jurisdiction.

**Note:** Chapter SPS 303 requires the submittal of a petition for variance form (SBD-9890) and a fee, and that an equivalency is established in the petition for variance which meets the intent of the rule being petitioned. Chapter SPS 303 also requires the Department to process regular petitions within 30 business days and priority petitions within 10 business days. The SBD-9890 form is available in the Appendix or at the Department’s Web site at <http://dsps.wi.gov> through links to Division of Industry Services forms.

**Note:** See chapter SPS 302 for the fee that must be included when submitting a petition for variance.

(5) TEMPORARY USE. These are department rules in addition to the requirements in NFPA 1 section 1.4: A fire code official may allow a building or a portion of a building to be used temporarily in a manner that differs from the approved use for the building or

space, or may approve a temporary building to be used by the public, subject to all of the following provisions:

(a) The official shall determine the time frame within which the temporary use is permitted, based on the extent hazards are created by the temporary use. This time frame may not exceed 180 days, except the official may grant extensions for demonstrated cause.

(b) Buildings or spaces considered for temporary use shall conform to the requirements of this chapter as necessary to ensure the public safety, health, and general welfare, except as provided in par. (c).

(c) The official may require additional safety requirements for a temporary use as a trade-off for any safety provisions that may be lacking.

(d) The official may terminate the approval for a temporary use at any time and order immediate discontinuance of the use or complete evacuation of the building or space.

**Note:** The Department and other state agencies may have additional rules that affect the design, construction, inspection, maintenance, and use of public buildings, places of employment and premises, including chapters SPS 305, Credentials; SPS 307, Explosives and Fireworks; SPS 316, Electrical; SPS 318, Elevators, Escalators and Lift Devices; SPS 340, Gas Systems; SPS 341, Boilers and Pressure Vessels; SPS 343, Anhydrous Ammonia; SPS 345, Mechanical Refrigeration; SPS 361 to 366, Commercial Building Code; SPS 375 to 379, Buildings Constructed Prior to 1914; SPS 381 to 387, Plumbing; SPS 390, Public Swimming Pools and Water Attractions; and SPS 391, Sanitation. The Department's Division of Industry Services administers all of these listed codes.

**(6) INTERPRETATIONS.** These are department rules in addition to the requirements in NFPA 1 section 1.7.3:

(a) *Department authority.* Any departmental interpretation of the requirements in this chapter or in the codes and standards that are adopted in this chapter shall supersede any differing interpretation by either a lower level jurisdiction or an issuer of the adopted code or standard.

(b) *Local ordinances.* 1. Pursuant to s. 101.02 (7), Stats., a city, village, town or local board of health may enact and enforce additional or more restrictive requirements for public buildings and places of employment, provided the requirements do not conflict with this chapter.

2. Nothing in this chapter affects the authority of a municipality or county to enact and enforce requirements for fire districts, land use, or zoning under ss. 59.69, 60.61, 60.62, 61.35, and 62.23 (7), Stats.

**(7) EXCLUSIONS.** (a) 1. The requirements in the following NFPA 1 sections are not included as part of this chapter: 1.7.10.2, 1.7.10.4, 1.9.1 to 1.9.3, and 1.10.

2. Any permit referenced in NFPA 1 section 1.12 or referred to elsewhere under this chapter is not required by this chapter, but may be required at the local level if done so through a local ordinance.

3. Any certificate of fitness referenced in NFPA 1 section 1.13 or referred to elsewhere under this chapter is not required by this chapter, but may be required at the local level if done so through a local ordinance.

(b) Any requirement which is specified in par. (a) and which is subsequently referred to elsewhere under this chapter is not included as part of this chapter.

**(8) OWNER'S RESPONSIBILITY.** This is a department rule in addition to the requirements in NFPA 1 chapter 1: The owner of each building, structure and premises shall be responsible for maintaining the property in compliance with this chapter. Compliance with this chapter does not relieve the owner of a public building or place of employment from compliance with the other administrative rules established by the department or other state agencies.

**Note:** Pursuant to section 101.11 (2) (a) of the Statutes, no employer or owner, or other person may hereafter construct or occupy or maintain any place of employment, or public building, that is not safe, nor prepare plans which fail to provide for making the same safe. See the annotations under section 101.11 (3) of the Statutes for substantial additional information relating to the duties of owners and employers to provide and maintain places of employment and public buildings that are safe.

**Note:** See Appendix for statutory penalties relating to interfering with fire fighting, and to false alarms.

**(9) APPEALS.** These are department rules in addition to the requirements in NFPA 1 chapter 1:

(a) *Appeal of department order.* Pursuant to s. 101.02 (6) (e), Stats., any person who owns or occupies a property that is affected by an order of the department may petition the department on the reasonableness of the order.

(b) *Appeal of local order.* Pursuant to s. 101.02 (7) (b), Stats., any person affected by a local order that is in conflict with an order of the department may petition the department for a hearing.

**Note:** See Appendix for a reprint of section 101.02 (7) (c) of the Statutes, which addresses the Department's response to a petition received under this paragraph; and for the definition of "local order," from section 101.02 (8) of the Statutes.

**(10) REVOCATION OF APPROVAL.** These are department rules in addition to the requirements in NFPA 1 chapter 1:

(a) *Department revocation.* The department may revoke any approval, issued under the provisions of this chapter, for any false statements or misrepresentation of facts on which the approval was based.

(b) *Local revocation.* The fire chief, or in first class cities the commissioner of building inspection, may revoke any local approval issued by them under the provisions of this chapter, for any false statements or misrepresentation of facts on which the approval was based. The fire chief, and in first class cities the commissioner of building inspection, may not revoke an approval issued by the department.

**(11) FIRE INCIDENT REPORTS.** Substitute the following wording for the requirements in NFPA 1 section 1.11.3.2:

(a) 1. For each fire, a record shall be compiled by a fire department serving the municipality in which the fire occurred.

2. The record in subd. 1. shall include all applicable information specified in s. 101.141 (2), Stats., shall be filed with the federal agency specified in s. 101.141 (1), Stats., and shall be filed no later than the deadline specified in s. 101.141 (1), Stats.

**Note:** Section 101.141 of the Statutes reads as follows: "**Record keeping of fires.** (1) Each city, village, and town fire department shall file a report for each fire that involves a building and that occurs within the boundaries of the city, village, or town with the U.S. fire administration for placement in the fire incident reporting system maintained by the U.S. fire administration. The report shall be filed within 60 days after the fire occurs.

(2) Each report filed under sub. (1) shall include all of the following information:

(a) The age of the building.  
(b) The purpose for which the building was used at the time of the fire.  
(c) If the building was used as a home, whether the building was a multifamily dwelling complex, a single-family dwelling, or a mixed-use building with one or more dwelling units.

(d) The number of dwelling units in the building, if the building was a multifamily dwelling complex or a mixed-use building.

(e) Whether the building had an automatic fire sprinkler system at the time of the fire and, if so, whether the system was operational.

(f) Whether the building had a fire alarm system at the time of the fire and, if so, whether the system was operational.

(g) The cause of the fire.  
(gg) An estimate of the amount of damages to the building as a result of the fire.

(gm) The number of human deaths due to the fire, if any.

(gr) The number of human injuries due to the fire, if any.

(h) Any other relevant information concerning the building, as determined by the fire department.

(3) The Department may review, correct, and update any report filed by a fire department under this section."

(b) 1. In reporting the age of a building under par. (a), only the age of the portion of the building where the fire occurred is required, and this age may be estimated.

**Note:** Various software programs for reporting the information under this section may accommodate reporting a building's age only as a note in a narrative.

2. In reporting the amount of damages to a building under par. (a), either assessed values or expected replacement costs may be used, and either an estimated dollar loss or an estimated percentage of the building that is damaged may be used.

3. Prior to correcting or updating any report filed by a fire department under s. 101.141, Stats., the department shall obtain the consent of the chief of that fire department.

**(12) PENALTIES.** This is a department rule in addition to the requirements in NFPA 1 section 1.16: Penalties for violations of



this chapter shall be assessed in accordance with s. 101.02 (12) and (13) (a), Stats.

**Note:** Section 101.02 (12) of the Statutes indicates that each day during which any person, persons, corporation or any officer, agent or employee thereof, fails to observe and comply with an order of the department will constitute a separate and distinct violation of such order.

Section 101.02 (13) (a) of the Statutes indicates penalties will be assessed against any employer, employee, owner or other person who fails or refuses to perform any duty lawfully enjoined, within the time prescribed by the Department, for which no penalty has been specifically provided, or who fails, neglects or refuses to comply with any lawful order made by the Department, or any judgment or decree made by any court in connection with sections 101.01 to 101.599 of the Statutes. For each such violation, failure or refusal, such employee, owner or other person must forfeit and pay into the state treasury a sum not less than \$10 nor more than \$100 for each violation.

**(13) FIRE CHIEF AND FIRE DEPARTMENT DUTIES.** These are department rules in addition to the requirements in NFPA 1 chapter 1:

(a) *Authorized deputy of the department.* The fire chief of the fire department in every city, village or town, except cities of the first class, is a duly authorized deputy of the department.

(b) *Fire prevention inspections.* 1. ‘General.’ The chief of the fire department shall be responsible for having all public buildings and places of employment within the territory of the fire department inspected for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire, or any violations of any law or ordinance relating to fire hazards or to the prevention of fires.

2. ‘Determining the buildings that are to be inspected.’ The fire chief shall be responsible for determining those public buildings and places of employment that are to be inspected, for each municipality for which the fire department has responsibility.

3. ‘Scheduling of inspections.’ Fire prevention inspections shall be conducted at least once in each non-overlapping 6-month period per calendar year, or more often if ordered by the fire chief, in all territory served by the fire department, except as provided in subds. 4. to 7.

**Note:** The Department of Health Services may require additional fire inspections for nursing homes.

4. ‘Exception for first class cities.’ In first class cities, the fire chief may establish the schedule of fire inspections. The fire chief shall base the frequency of the inspections on hazard classification, the proportion of public area, the record of fire code violations, the ratio of occupancy to size and any other factor the chief deems significant. Property other than residential property with 4 dwelling units or less shall be inspected at least once annually.

5. ‘General exception for other municipalities.’ Within the territory of each fire department, in each municipality other than first

9. ‘Inspectors.’ Fire safety inspections shall be conducted by the department or deputy or an authorized representative of the deputy.

10. ‘Statutory inspection authority.’ The rules of this chapter do not limit or deny the ability of department deputies to conduct the activities under s. 101.14 (1) (a) and (b), Stats., for the purpose of ascertaining and causing to be corrected any condition liable to cause fire, or any violation of any law or order relating to fire hazards or to the prevention of fire.

**Note:** Under section 101.14 (2) (a) of the Statutes, and as referenced in section SPS 314.01 (14) (a), “The chief of the fire department in every city, village, or town, except cities of the 1st class, is constituted a deputy of the department.”

11. ‘Fire inspector training.’ All fire department personnel directly involved in conducting fire inspections are authorized by the department and by the fire chief to conduct the inspections upon completion of training approved by the fire chief.

(c) *Public fire education services.* Each fire department shall provide public fire education services within the territory served by the fire department. The services may be selected from the following public fire education–related activities, or may be other activities acceptable to the department:

1. ‘Fire prevention week program.’ Fire departments complete any combination of the following activities during national fire prevention week: children’s poster contest; fire department open house; school visits to teach children fire safety; fire department fire safety demonstrations, including but not limited to fire fighting demonstrations, fire extinguisher and smoke detector demonstrations, stop, drop and roll demonstrations or an activity that specifically relates to a national fire prevention week theme.

2. ‘Residential fire inspection program.’ Fire departments advertise and conduct residential fire inspections on a request basis or in response to local ordinance.

3. ‘Building plan review program.’ Fire departments conduct plan reviews and approvals of fire safety related elements prior to construction of public buildings and places of employment.

4. ‘School education program.’ Fire departments conduct approved fire safety education programs in the school districts for which they have responsibility.

5. ‘Continuing public fire education program.’ Fire departments conduct public fire education programs, which may include monthly public service announcements for radio or television, monthly newspaper articles, booths at fairs, demonstrations at shopping centers, and billboards with fire safety messages.

6. ‘Public fire education speaking bureau.’ Fire departments organize a group of speakers to make public fire education presentations to civic organizations, professional organizations, school organizations and similar groups.

7. ‘Youth fire awareness program.’ Fire departments conduct youth fire awareness programs, including skill award and merit badge clinics for scouts, junior fire marshal program, juvenile fire setters program, first aid and CPR training and related activities.

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shall be made on the form provided by the department and the form shall be returned to the department on or before April 1.

**Note:** In January 2011, the Department replaced its paper-based self-certification process with a Web-based process that includes online registration and annual online input from both the clerk and the fire chief for a municipality. Further information about this process is available at the Department's Web site at [www.dsps.wi.gov](http://www.dsps.wi.gov) through links to Industry Services Division's Fire Prevention program and then Wisconsin's fire program online system.

2. A municipality shall identify on the self-certification form the name of every fire department and the chief of the fire department that provided fire protection services and fire prevention services, to the municipality in the last calendar year. This identification shall be used to determine which fire departments are entitled to receive fire department dues from the municipality.

3. The chief of the fire department that provided the fire protection and fire prevention services and the clerk of the municipality shall sign the self-certification form and indicate whether or not the municipality is in substantial compliance with state regulations regarding the fire department dues entitlement program. In first class cities, the commissioner of the building inspection department shall also sign the self-certification form.

(d) *Audit.* 1. In addition to the self-certification process, the department shall periodically conduct audits of fire department dues entitlement records to determine substantial compliance with the fire department dues entitlement program for the previous calendar year.

2. The department shall periodically examine fire department dues entitlement records, including the records required in sub. (13) (b) 8. and (d), and in NFPA 1 section 1.11.2, to verify that the required fire prevention and fire protection services were provided within the territory served by the fire department and, within first class cities, by the building inspection department.

**Note:** The information required in the entitlement records is as specified in sections 101.14 (2) and 101.575 of the Statutes. Under those sections, the fire incident reports that are addressed in subsection (11), and any records of fire prevention inspections beyond public buildings and places of employment, are not fire dues entitlement records.

3. The department shall write a report summarizing the results of each audit.

(e) *Appeals of audit determinations.* 1. A department audit determination under this subsection may be appealed only in accordance with this paragraph or ch. 227, Stats.

2. 'Filing an appeal.' a. The appeal shall be filed in writing, with the department.

b. An appeal may be filed only by either a fire department that fails an audit conducted under par. (d), or by a municipality served by that fire department.



chief also means the representative designated by the local unit of government to carry out the duties of this chapter.

(d) “Fire department” means a municipal fire department, public safety department, or public or private organization, such as a fire association, fire district, fire company or fire corporation, organized or created for the purpose of extinguishing fires

**Note:** See chapter SPS 326 for requirements for manufactured home communities.

**History:** CR 06–120: cr. Register February 2008 No. 626, eff. 3–1–08.